

DECLARATION OF EMERGENCY**Department of Environmental Quality
Office of the Secretary
Legal Affairs Division****Laboratory Accreditation Exemption for Analyses of
Target Volatile Organic Compounds
(LAC 33:I.4719) (OS064E3)**

In accordance with the emergency provisions of R.S. 49:953(B) of the Administrative Procedure Act, which allows the Department of Environmental Quality to use emergency procedures to establish rules, and of R.S. 30:2011, which allows the department to establish standards, guidelines, and criteria, to promulgate rules and regulations, and to issue compliance schedules, the secretary of the department hereby finds that imminent peril to the public welfare exists and accordingly adopts the following Emergency Rule.

This is a renewal of Emergency Rule OS064E2, which was effective on November 13, 2005, and published in the *Louisiana Register* on November 20, 2005.

The department recently issued a number of Administrative Orders (AOs) to certain facilities requiring monitoring and testing of ozone precursors. The intent of the fence-line monitoring program in the AOs is to make the data generated similar to and comparable to the data generated in the EPA Photochemical Assessment Monitoring Stations (PAMS) program. This Emergency Rule establishes laboratory requirements outlined in the Technical Assistance Document for Sampling and Analysis of Ozone Precursors (TAD) as guidance to those responsible for implementing the PAMS program. Compliance with these AOs will drastically increase the number of samples collected and analyzed. The department relies on analytical data submitted both directly and indirectly to the department to determine compliance with state and federal regulations. As a result of deadlines established in current Louisiana regulations, the department is prohibited from accepting data from commercial laboratories that have not received departmental accreditation. A finding of imminent peril to public health, safety, and welfare is based on the insufficient number of accredited laboratories existing at this time that are capable of performing the volume of sample analyses within the time frame required by the department. The department relies on analytical data to determine permit compliance, enforcement issues, and effectiveness of remediation of soils and groundwater. Permit issuance and compliance are effective means of determining the impact on human health and the environment. The department must have access to accurate, reliable, precise analytical data in order to meet its mandate to protect human health and the environment. This Emergency Rule will allow the department to accept data from laboratories that have supporting documentation showing the quality assurance and quality control program used to generate analytical data by the laboratory.

This Emergency Rule is effective on March 13, 2006, and shall remain in effect for a maximum of 120 days or until a final rule is promulgated, whichever occurs first. For more

information concerning OS064E3, you may contact the Regulation Development Section at (225) 219-3550.

This Emergency Rule is available on the Internet at www.deq.louisiana.gov under Rules and Regulations, and is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374; 645 N. Lotus Drive, Suite C, Mandeville, LA 70471.

Adopted this 10th day of March, 2006.

Mike D. McDaniel, Ph.D.
Secretary

Title 33
ENVIRONMENTAL QUALITY

Part I. Office of the Secretary

Subpart 3. Laboratory Accreditation

Chapter 47. Program Requirements

§4719. Implementation

A. All commercial laboratories analyzing data as of the effective date of these regulations that are directly or indirectly submitting data to the department must submit an application for accreditation as required in LAC 33:I.4701.A.1, including the review fee, by July 1, 2000. The department shall not accept laboratory data generated by laboratories that do not comply with this deadline until such laboratories receive accreditation and fully comply with the requirements of this Section. Except as provided in Subsection E of this Section, tThe department shall not accept environmental data submitted to the department either directly or indirectly until the laboratory has applied for accreditation under these regulations.

B. All laboratories subject to these regulations must receive accreditation from the department, as provided in these regulations, undergo an on-site inspection as specified in LAC 33:I.4701.A.2, and successfully participate in proficiency evaluations as required in LAC 33:I.4701.A.3 by December 31, 2000, or as otherwise agreed to by the department and the applicant, not to exceed one year from December 31, 2000. Except as provided in Subsection E of this Section, tThe department shall not accept data generated by laboratories that do not comply with these deadlines until such laboratories receive accreditation and fully comply with the requirements of this Section.

C. - D. ...

E. The department shall accept, until December 31, 2007, analytical data generated by a laboratory that is not accredited under these regulations, provided that:

1. the laboratory has supporting documentation, and produces the documentation upon request by the department, showing the quality assurance and quality control programs used in generating analytical data by the laboratory and that the laboratory follows all requirements established by the Technical Assistance Document for Sampling and Analysis of Ozone Precursors, EPA 600-R-98/161 (TAD);

2. the laboratory is submitting analytical data pursuant to a departmental administrative order to a facility requiring monitoring and testing of ozone precursors; and

3. the laboratory is submitting analytical data for any of the target volatile organic compounds listed in Table 1 of this Section using the TAD, with modifications as specified below:

- a. a reporting limit of at least 10 parts per billion (ppb) must be used;
- b. any analytical result below the method detection limit (MDL) must be reported and flagged as an estimated value; and
- c. any analytical result at the instrument detection limit (IDL) must be reported and flagged as an estimated value.

Table 1
Target Volatile Organic Compounds
<u>Ethylene</u>
<u>Acetylene</u>
<u>Ethane</u>
<u>Propylene</u>
<u>Propane</u>
<u>Isobutane</u>
<u>1-butene</u>
<u>n-Butane</u>
<u>trans-2-Butene</u>
<u>cis-2-Butene</u>
<u>Isopentane (2-methylbutane)</u>
<u>1-Pentene</u>
<u>n-Pentane</u>
<u>Isoprene</u>
<u>trans-2-Pentene</u>
<u>cis-2-Pentene</u>
<u>2,2-dimethylbutane</u>
<u>Cyclopentane</u>
<u>2,3-dimethylbutane</u>
<u>2-methylpentane</u>
<u>3-methylpentane</u>
<u>1-Hexene</u>
<u>n-Hexane</u>
<u>Methylcyclopentane</u>
<u>2,4-dimethylpentane</u>
<u>Benzene</u>
<u>Cyclohexane</u>
<u>2-methylhexane</u>
<u>2,3-dimethylpentane</u>
<u>3-methylhexane</u>
<u>2,2,4-trimethylpentane</u>
<u>n-Heptane</u>
<u>Methylcyclohexane</u>
<u>2,3,4-trimethylpentane</u>
<u>Toluene</u>
<u>2-methylheptane</u>
<u>3-methylheptane</u>
<u>n-Octane</u>
<u>Ethylbenzene</u>
<u>m/p Xylene</u>
<u>Styrene</u>
<u>o-Xylene</u>

<u>Table 1</u>
<u>Target Volatile Organic Compounds</u>
<u>1,3-butadiene</u>

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2011.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of the Secretary, LR 24:922 (May 1998), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:1436 (July 2000), LR 29:312 (March 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 32:**.